

APPLICATION 21542, PERMIT 15149

PERMIT AMENDED

SEE WR ORDER 95-6

ISSUED JUNE 8, 1995

P15149

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary)
Change Order Regarding Permit 12721)
(Application 5626) and 12 Other Permits)
U. S. BUREAU OF RECLAMATION,)
Permittee)

ORDER: WR 86-4

SOURCE: Various sources

COUNTIES: Alameda, Sacramento,
Shasta, Trinity

ORDER MODIFYING AND REISSUING

TEMPORARY URGENCY CHANGE IN POINT OF DIVERSION AND REDIVERSION

BY THE BOARD:

The U. S. Bureau of Reclamation (Bureau) having filed a petition for a temporary urgency change in point of diversion and point of rediversion pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the Board having consulted with the Department of Water Resources and the Department of Fish and Game; Board Member Samaniego having concluded from available information that the Bureau qualifies for a temporary urgency change and having issued a temporary urgency change order, subject to review and validation by the Board as provided by Water Code Section 1435; the South Delta Water Agency and Central Delta Water Agency having subsequently requested that approval of the temporary urgency change include certain conditions; the Board having duly considered the petition for a temporary change, the requests by South Delta Water Agency and Central Delta Water Agency and other related information; the Board finds as follows:

1.0 SUBSTANCE OF THE PROPOSED CHANGE

On February 13, 1986, the Bureau filed a petition for a temporary urgency change in the point of diversion and point of rediversion under the 13 water right permits specified in Table I below:

TABLE I
WATER RIGHT PERMITS COVERED BY
THE PETITION FOR TEMPORARY URGENCY CHANGE

<u>Application</u>	<u>Permit</u>
5626	12721
5628	11967
9363	12722
9364	12723
13370	11315
13371	11316
15374	11968
15375	11969
15764	12860
16767	11971
17374	11973
17376	12364
21542	15149

The petition requests that, in addition to the points of diversion and redirection specified in the permits, the permittee be allowed to divert or redirect water temporarily under said permits from the Department of Water Resources' Harvey O. Banks Pumping Plant at the following location:

California Coordinates, Zone 3, N 486,035; E 1,695,057; within
NW 1/4 of SE 1/4 of Projected Section 20, T1S, R4E, MDB&M.

The petition for a temporary urgency change requests that the diversion and redirection at the Banks Pumping Plant be authorized from February 24, 1986 to April 7, 1986 at a maximum rate of 6000 cubic feet per second with the total amount diverted or redirected not to exceed 100,000 acre-feet.

2.0 TEMPORARY URGENCY NEED

The urgent need to utilize Department of Water Resources' facilities arises from the curtailment of pumping through the Central Valley Project and State Water Project Delta facilities proposed by the California Department of Fish and Game for striped bass tests scheduled during April 1986. These tests are designed to determine whether maintenance of specific flow regimes in the Delta stimulate production of food organisms important to survival of young striped bass. Information from these tests may help determine the cause for the recent decline in young striped bass.

The Bureau must replace pumping capacity foregone during these tests to enable the federal portion of San Luis Reservoir to be filled for the 1986 irrigation season. Replacement of this lost pumping capacity with capacity at the Banks Pumping Plant is proposed. The increased period of replacement diversion over that of the pumping curtailment is requested so that the capacity available at the Banks Pumping Plant may be more economically utilized and that there may be a margin of safety if that plant should be down for any length of time during the period. When available, off-peak energy periods will be used. The quantities to be diverted will not exceed the quantities that would have been diverted, absent the striped bass test.

3.0 CALIFORNIA ENVIRONMENTAL QUALITY ACT

The State Water Resources Control Board staff has prepared a Notice of Exemption specifying the reason why the above proposed action qualifies for a Categorical Exemption Class 6 (information collection) in accordance with Title 14, California Administrative Code, Section 15306.

4.0 ACTION BY BOARD MEMBER SAMANIEGO

In accordance with the authorization of Water Code Section 1435, the Board has adopted Resolution 84-2 delegating authority to an individual Board Member to approve temporary changes on projects where no detrimental effects are indicated. Water Section 1435(b) requires the Board, at its next regular meeting, to review and validate and change order issued by an employee.

In accordance with the delegation of authority in Resolution 84-2, Board Member Samaniego issued a change order on February 20, 1986 allowing a temporary change in the point of diversion and point of rediversion, subject to several specified conditions.

5.0 NOTICE AND RESPONSES

Notice of the petition for a temporary change was provided by publication and by mail to interested parties. The Board received responses from two parties, South Delta Water Agency and Central Delta Water Agency.

5.1 South Delta Water Agency Request

South Delta Water Agency requested that approval of the temporary change be conditioned to exclude diversion and rediversion under the temporary change at times when the water elevation at the south end of Tom Paine Slough is lower than 0.35 foot below mean sea level or the water elevation in Middle River at Undine Road is lower than 0.25 foot below mean sea level.

5.2 Central Delta Water Agency Request

Central Delta Water Agency requested that approval of the temporary change be conditioned to include the water level standards proposed by South Delta Water Agency and also provide that water quality should not exceed a 14-day running average of 0.45 millimhos EC at Emmaton on the Sacramento River, Jersey Point on the San Joaquin River, Terminous on the Mokelumne River, San Andreas Landing on the San Joaquin River, Turner Cut off the San Joaquin River and Rancho Del Rio on Old River.

5.3 Response to Requests

State Board staff contacted Bureau staff and determined the conditions requested by South Delta Water Agency and Central Delta Water Agency were acceptable to the Bureau.

6.0 BOARD FINDINGS

Having reviewed the conditions requested by South Delta Water Agency and Central Delta Water Agency, and the Bureau's agreement to accept those conditions, the Board finds that the February 20, 1986 order by Board Member Samaniego should be modified and reissued to include the conditions requested by South Delta Water Agency and Central Delta Water Agency.

NOW THEREFORE, IT IS ORDERED THAT:

1. In addition to the points of diversion and redirection specified in the permits listed above, the Permittee may temporarily divert or redirect water under said Permits at the Department of Water Resources' Harvey O. Banks Pumping Plant at the following location:

California Coordinates, Zone 3, N 486,035;
E 1,695,057; within NW 1/4 of SE 1/4
of Projected Section 20, T1S, R4E, MDB&M.

2. The temporary urgency change shall be effective for a period starting February 24, 1986 and ending April 7, 1986. At the end of this period, this authorization shall be of no further force and effect.

3. Under this temporary urgency change, the maximum rate of diversion or rediversion shall not exceed 6,000 cubic feet per second and the total quantity diverted or rediverted shall not exceed 100,000 acre-feet.
4. Under this temporary urgency change no diversion or rediversion shall take place when the water elevation at the south end of Tom Paine Slough is lower than 0.35 foot below mean sea level or the water elevation in Middle River at Undine Road is lower than 0.25 foot below mean sea level.
5. Under this temporary urgency change no diversion or rediversion shall take place when the 14-day running average electrical conductivity exceeds 0.45 millimhos at any of the following locations:

Emmaton on the Sacramento River

Jersey Point on the San Joaquin River

Terminous on the Mokelumne River

San Andreas Landing on the San Joaquin River

Turner Cut off the San Joaquin River

Rancho Del Rio on Old River

6. Should the total quantity of water diverted or rediverted under this temporary urgency change exceed the quantity that would have been diverted or rediverted at the Bureau's Tracy Pumping Plant absent the striped bass test, the excess water shall be credited toward that allowed under Order Condition 3 of water right Decision 1485.

7. The Permittee shall report to the State Water Resources Control Board by July 15, 1986 the maximum rate and total acre-feet diverted or rediverted at Banks Pumping Plant under this temporary urgency change. The Permittee shall also provide to the Board by July 15, 1986 an estimate of its water exports at Tracy Pumping Plant foregone due to the striped bass test.
8. The Chief of the Division of Water Rights may suspend this temporary urgency change order at any time he determines that conditions in the Bay-Delta Estuary would be more conducive to the striped bass test absent this temporary urgency change.
9. This temporary urgency change is issued and Permittee takes it subject to the California Water Code, Division 2, Chapter 6.6, Section 1435 et seq. This temporary urgency change order shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the Board.
10. The Board shall supervise the use of water under this temporary urgency change order for the protection of vested rights and instream beneficial uses and for compliance with this order.
11. The Chief of the Division of Water Rights is authorized to File a Notice of Exemption pursuant to Section 15306 of the State EIR Guidelines.
12. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this temporary urgency change order, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in

accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion. The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this temporary urgency change order with a view to minimizing waste of water and to meeting the reasonable water requirements of Permittee without unreasonable draft on the source.

13. Except as expressly provided herein, all terms and conditions of these permits shall remain in effect.
14. This order supersedes the order allowing temporary urgency change in point of diversion and point of redirection issued by Board Member Eliseo Samaniego on February 20, 1986.

CERTIFICATION

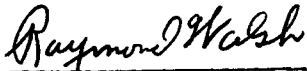
The undersigned, Interim Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 20, 1986.

AYE: Darlene E. Ruiz
E. H. Finster
Eliseo Samaniego
Danny Walsh

NO: None

ABSENT: Raymond V. Stone

ABSTAIN: None



Raymond Walsh
Interim Executive Director

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 5625 and 26 others PERMIT 12720 and 26 others
(as listed on attached sheet)

LICENSE _____

ORDER ALLOWING EXTENSION OF TIME
TO COMPLY WITH SUISUN MARSH STANDARDS

WHEREAS:

1. Order Condition 7(b) of Decision 1485 requires the permittee to meet specific water quality standards for full protection of the Suisun Marsh by October 1, 1984, as set forth in Table II of the Decision.
2. A petition for an extension of time to comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(b) and Table II of Decision 1485 was filed by the U. S. Bureau of Reclamation on August 6, 1985.
3. The permittee has proceeded with diligence and good cause has been shown for the extension of time.

NOW THEREFORE, IT IS ORDERED THAT:

1. Order Condition 7(b) of Decision 1485 is superseded in accordance with Order Conditions 2 and 3 below.
2. Permittee shall comply with the water quality standards for full protection of Suisun Marsh set forth in Order Condition 7(a) of Decision 1485 (hereinafter termed standards) in accordance with the following schedule:
 - (a) Permittee shall meet the standards by October 1, 1988 at the following locations:
 - (1) Sacramento River at Collinsville Road in Collinsville (C-2)
 - (2) Montezuma Slough at National Steel (three miles south of Mien's Landing) (S-64)
 - (3) Montezuma Slough near Beldon Landing (0.35 miles east of Grizzly Island Bridge) (S-49)
 - (b) Permittee shall either meet the standards by October 1, 1991 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33),or meet the standards by October 1, 1993 at:
 - (1) Chadbourne Slough at Chadbourne Road (S-21), and
 - (2) Cordelia Slough at Cordelia-Goodyear Ditch (S-97)
 - (c) Permittee shall either meet the standards by October 1, 1991 at Goodyear Slough at the Morrow Island Clubhouse (S-35), or meet the standards by October 1, 1994 at Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75)

(d) Permittee shall meet the standards by October 1, 1997 at:

- (1) Suisun Slough 300 feet south of Volanti Slough (S-42), and
- (2) Water supply intake locations for waterfowl management areas on Van Sickle Island and Chipps Island. (0400700)

3. Table II of Decision 1485 is amended on page 39 to replace the Suisun Marsh electrical conductivity standards that became effective October 1, 1984 with the following:

BENEFICIAL USE PROTECTED and LOCATION	PARAMETER	DESCRIPTION	YEAR TYPE	VALUES	
FISH AND WILDLIFE				Month	EC in mmhos
• SUISUN MARSH					
— To become effective on October 1, 1988 at: Sacramento River at Collinsville Road in Collinsville (C-2)	Electrical Conductivity (EC)	The monthly average of both daily high tide values not to exceed the values shown (or demonstrate that equivalent or better protection will be provided at the location)	All	Oct.	19.0
Montezuma Slough at National Steel (3 miles south of Mein's Landing) (S-64)				Nov.	15.5
Montezuma Slough near Beldon Landing (0.35 miles east of Grizzly Island Bridge) (S-49)				Dec.	15.5
				Jan.	12.5
				Feb.	8.0
				Mar.	8.0
				Apr.	11.0
				May	11.0
— To become effective either on October 1, 1991 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough, 500 feet west of the Southern Pacific crossing at Cygnus (S-33); or on October 1, 1993 at: Chadbourne Slough at Chadbourne Road (S-21) and Cordelia Slough at Cordelia-Goodyear Ditch (S-97)					
— To become effective either on October 1, 1991 at: Goodyear Slough at the Morrow Island Clubhouse (S-35); or on October 1, 1994 at: Goodyear Slough, 1.3 miles south of Morrow Island Ditch (S-75)					
— To become effective on October 1, 1997 at: Suisun Slough, 300 feet south of Volanti Slough (S-42), and Water supply intake locations for waterfowl management areas on Van Sickle Island and Cripps Island.					

4. By January 15 of each year, permittee shall provide, either separately or jointly with California Department of Water Resources, a written report to the Board on its progress toward achieving full compliance with this order. (0000700)

Lloyd D. Johnson
Lloyd D. Johnson, Interim Chief
Division of Water Rights

Dated DECEMBER 5 1985

ATTACHMENT A

Permits of the United States Bureau of Reclamation:

Permit 12720 (Application 5625)
Permit 12721 (Application 5626)
Permit 11966 (Application 5627)
Permit 11967 (Application 5628)
Permit 12722 (Application 9363)
Permit 12723 (Application 9364)
Permit 12724 (Application 9365)
Permit 12725 (Application 9366)
Permit 12726 (Application 9367)
Permit 12727 (Application 9368)
Permit 11315 (Application 13370)
Permit 11316 (Application 13371)
Permit 11317 (Application 13372)
Permit 11318 (Application 14662)
Permit 11968 (Application 15374)
Permit 11969 (Application 15375)
Permit 11970 (Application 15376)
Permit 12860 (Application 15764)
Permit 11971 (Application 16767)
Permit 11972 (Application 16768)
Permit 11973 (Application 17374)
Permit 16209 (Application 18721)
Permit 16210 (Application 18723)
Permit 15149 (Application 21542)
Permit 16211 (Application 21636)
Permit 16212 (Application 21637)
Permit 15735 (Application 22316)

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary Urgency)	ORDER:	85- 2
Change Order Regarding Permit 12721)		
(Application 5626) and 12 other Permits))		
U. S. BUREAU OF RECLAMATION,)	SOURCE:	Various sources
)		
Permittee)	COUNTIES:	Alameda, Sacramento, Shasta, Trinity

ORDER VALIDATING ISSUANCE OF
TEMPORARY URGENCY CHANGE ORDER

BY THE BOARD:

The U. S. Bureau of Reclamation (Bureau) having filed a petition for a temporary urgency change in point of diversion and point of redirection pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the Board having consulted with the Department of Water Resources and the Department of Fish and Game; former Board Vice Chairman Noteware having concluded from available information that the Bureau qualifies for a temporary urgency change and having issued a temporary urgency change order, subject to review and validation by the Board as provided by Water Code Section 1435; the Board finds as follows:

Substance of the Proposed Change

1. On February 21, 1985, the Bureau filed a petition for a temporary urgency change in the point of diversion and point of rediversion under the 13 water right permits specified in Table I below:

TABLE I
WATER RIGHT PERMITS COVERED BY
THE PETITION FOR TEMPORARY URGENCY CHANGE

<u>Application</u>	<u>Permit</u>
5626	12721
5628	11967
9363	12722
9364	12723
13370	11315
13371	11316
15374	11968
15375	11969
15764	12860
16767	11971
17374	11973
17376	12364
21542	15149

The petition requests that, in addition to the points of diversion and rediversion specified in the permits, the permittee be allowed to divert or redivert water temporarily under said permits at the California Aqueduct Intake for the Banks Pumping Plant at the following location:

California Coordinates, Zone 3, N486,035; E 1,695,057; within
NW 1/4 of SE 1/4 of projected Section 20, T1S, R4E, MDB&M.

2. The petition for a temporary urgency change requests that the diversion and rediversion at the Banks Pumping Plant be authorized from March 1, 1985 to June 30, 1985 with the total amount diverted or rediverted not to exceed 195,000 acre-feet.

Temporary Urgency Need

3. The urgent need to utilize facilities of the State Water Project arises from the curtailment of pumping through the Central Valley Project and State Water Project Delta facilities proposed by the California Department of Fish and Game for striped bass tests. The Bureau must replace this capacity to enable the Federal portion of San Luis Reservoir to be filled for the 1985 irrigation season. Replacement of this lost pumping capacity with capacity at the Banks Pumping Plant is proposed. The increased period of replacement diversion over that of the pumping curtailment is requested so that the capacity available at the Banks Pumping Plant may be more economically utilized and that there may be a margin of safety if that plant should be down for any length of time during the period. When available, off-peak energy periods will be used. The quantity to be diverted will not exceed the quantity that would have been diverted absent the striped bass test. We find that emergency conditions exist within the meaning of Water Code Section 1435(c) which require immediate action by the petitioner to protect the public welfare.

California Environmental Quality Act

4. The State Water Resources Control Board staff has prepared a draft Notice of Exemption specifying under Class 6 (14 Cal. Admin. Code, Sec. 15306) the reason why the above proposed action qualifies for an exemption in accordance with the California Environmental Quality Agency (CEQA).

Action by former Board Vice Chairman Noteware

5. In accordance with the authorization of Water Code Section 1435, the Board has adopted Resolution 84-2 delegating authority to an individual Board member to approve temporary changes on projects where no detrimental effects are indicated. Water Section 1435(b) requires the Board, at its next regular meeting, to review and validate any change order issued by an employee.

6. In accordance with the delegation of authority in Resolution 84-2, former Board Vice Chairman Noteware issued a change order allowing a temporary change in the point of diversion and point of redirection, subject to several specified conditions.

7. The Board concurs with the findings of former Vice Chairman Noteware as specified in the order dated March 1, 1985.

8. South Delta Water Agency alleges that diversion under this temporary urgency change may tend to reduce channel water levels to the injury of southern Delta water users. The Board does not herein find a relationship between water levels in southern Delta water channels and export pumping rates under this temporary urgency change. However, because of South Delta Water Agency's objection, the Board finds that during periods of unusually low water levels in channels of the southern Delta, no diversion under this temporary

urgency change should be made. This order is conditioned on compliance by the permittee with a term addressing this concern.

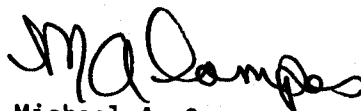
NOW, THEREFORE, IT IS ORDERED that issuance of the order allowing a temporary urgency change in point of diversion and point of redirection for the permits listed in Table 1 is validated subject to the terms and conditions specified in the order, and the following additional condition:

No diversion shall be made under this temporary urgency change during periods of unusually low water levels in channels of the southern Delta. These periods are expected to be March 15-17, March 30-April 1, April 11-13, April 25-29, May 10-12, May 24-27, and June 7-9, 1985. No diversion shall be made during these periods unless approved by the Chief of the Division of Water Rights. Should unusually low channel water levels occur at other times, the Chief of the Division of Water Rights may require the permittee to cease diversion under the temporary urgency change at such times.

Dated: MAR 15 1985

CERTIFICATION

The undersigned, Executive Director of the State Water Resources Control Board, does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 15, 1985.



Michael A. Campos
Executive Director

PERMIT NO. 15149
APPLICATION NO. 21542

SEE DECISION 1485 ISSUED 8-16-78
+ order 78-17, 10-13-78

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD

In the Matter of Temporary Urgency)	
Change Order Regarding Permit 12721)	ORDER: 83- 17
(Application 5626) and 12 Other Permits)	
U. S. BUREAU OF RECLAMATION,)	SOURCE: Various sources
)	
Permittee)	COUNTIES: Alameda, Sacramento, Shasta, Trinity

ORDER VALIDATING ISSUANCE OF
TEMPORARY URGENCY CHANGE ORDER

BY THE BOARD:

The U. S. Bureau of Reclamation (Bureau) having filed a petition for a temporary urgency change in point of diversion and point of rediversion pursuant to Chapter 6.6 (commencing with Section 1435), Part 2, Division 2 of the Water Code; the Board having consulted with the Department of Water Resources and the Department of Fish and Game; the Chief of the Division of Water Rights having concluded from available information that the Bureau qualifies for a temporary urgency change and having issued a temporary urgency change order, subject to review and validation by the Board as provided by Water Code Section 1435; the Board finds as follows:

Substance of the Proposed Change

1. On October 18, 1983, the Bureau filed a petition for a temporary urgency change in the point of diversion and point of rediversion under the 13 water right permits specified in Table I below:

TABLE I
WATER RIGHT PERMITS COVERED BY
THE PETITION FOR TEMPORARY URGENCY CHANGE

<u>Application</u>	<u>Permit</u>
5626	12721
5628	11967
9363	12722
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The petition requests that, in addition to the points of diversion and rediversion specified in the permits, the permittee be allowed to divert or redivert water temporarily under said permits at the California Aqueduct Intake for the Banks Pumping Plant at the following location:

California Coordinates, Zone 3, N486,035; E 1,695,057;

within NW $\frac{1}{4}$ of SE $\frac{1}{4}$ of projected Section 20, T1S, R4E, MDB&M.

2. The petition for a temporary urgency change requests that the diversion and rediversion at the Banks Pumping Plant be authorized from November 1, 1983 to February 29, 1984.

Temporary Urgency Need

3. The Bureau's facilities at the O'Neill Forebay assist in delivering water to an extensive service area in the San Joaquin Valley. The water surface elevation in O'Neill Forebay Reservoir will be lowered to allow for emergency rehabilitation to the upstream face of the dam. As a result, the Bureau may not be able to deliver the full quantity necessary to meet delivery requirements through its regular diversion facilities. For that reason it requested a temporary urgency change to divert and redivert at the Department of Water Resources Banks Pumping Plant. We find that emergency conditions exist within the meaning of Water Code Section 1435(c) which require immediate action by the petitioner to protect the public welfare.

Instream Uses

4. The California Department of Fish and Game has informed Board staff that the proposed temporary urgency change would not adversely affect fish and wildlife. No stream alteration will take place since the diversion facilities are already in place. The maximum combined rate of diversion and rediversion under the temporary urgency change from both the Banks Pumping Plant and the Tracy Pumping Plant shall not exceed the 4,600 cubic feet per second normally allowed at the Tracy Pumping Plant. Accordingly, we find that the temporary change of diversion and rediversion will not have an unreasonable effect on fish, wildlife or other instream beneficial uses and that it may be made without injury to any lawful user of water.

California Environmental Quality Act

5. This Board Order authorizes a temporary urgency change in the point of diversion and rediversion ending February 29, 1984. Such activity is exempt from the provisions of the California Environmental Quality Act in accordance with Public Resources Code Section 21080(b)(4). (Actions necessary to prevent or mitigate an emergency.)

Action by the Chief of the Division of Water Rights

6. In accordance with the authorization of Water Code Section 1435, the Board has adopted Resolution No. 83-80 delegating authority to the Chief of the Division of Water Rights to approve temporary changes on projects where no detrimental effects are indicated. Water Section 1435(b) requires the Board, at its next regular meeting, to review and validate any change order issued by an employee.


7. The Chief of the Division of Water Rights, Raymond Walsh, has reviewed the available evidence relating to the petition. In accordance with the delegation of authority in Resolution No. 83-80, Mr. Walsh issued a change order on October 31, 1983 allowing a temporary change in the point of diversion and point of rediversion, subject to several specified conditions.

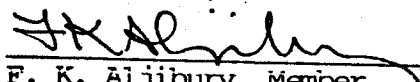
8. The Board concurs with the findings of Mr. Walsh as specified in his order of October 31, 1983.

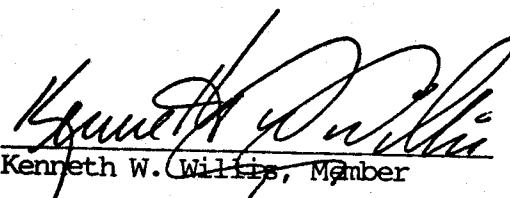
NOW, THEREFORE, IT IS ORDERED that issuance of the order allowing a temporary urgency change in point of diversion and point of redirection for the permits listed in Table I is validated subject to the terms and conditions specified in the order.

Dated: November 17, 1983


Carole A. Onorato, Chairwoman


Warren D. Noteware, Vice Chairman


F. K. Aljibury, Member


Kenneth W. Willis, Member

P15149

STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS
ORDER ALLOWING TEMPORARY URGENCY CHANGE
IN POINT OF DIVERSION AND POINT OF REDIVERSION

PERMITS 12721, 11967, 12722, 12723, 11315, 11316, 11968, 11969, 12860, 11971, 11972, 12364 AND 15149, (APPLICATIONS 5626, 5628, 9363, 9364, 13370, 13371, 15374, 15375, 15764, 16767, 17374, 17376 AND 21542) United States Bureau of Reclamation, Permittee

WHEREAS:

1. The United States Bureau of Reclamation has filed a petition for a temporary urgency change in the points of diversion and redirection authorized in the above permits.
2. In accordance with the authorization of Water Code Section 1435, the Board has adopted Resolution No. 83-80 delegating authority to the Chief of the Division of Water Rights to approve temporary changes where no detrimental effects are indicated.
3. The Chief of the Division of Water Rights has found that good cause for the temporary change requested has been shown.
4. The Department of Fish and Game has informed Board staff that the proposed temporary change would not adversely affect fish and wildlife.
5. The Chief of the Division of Water Rights has determined that the temporary urgency change requested in the petition does not constitute the initiation of a new right nor operate to the injury of any other lawful user of water and does not unreasonably affect fish, wildlife or other instream beneficial uses.
6. The Chief of the Division of Water Rights has determined that emergency conditions exist requiring immediate action to protect the public welfare.

NOW, THEREFORE, IT IS ORDERED THAT:

1. In addition to the points of diversion and redirection specified in the permits listed above, the permittee may temporarily divert or redirect water under said permits at the California Aqueduct Intake for the Banks Pumping Plant at the following location:

California Coordinates, Zone 3, N 486,035;
E 1,695,057; within NW 1/4 of SE 1/4
of projected Section 20, T1S, R4E, MDB&M.

2. The temporary change shall be effective for a period starting November 1, 1983 and ending February 29, 1984. At the end of this period, all rights to divert or redivert water at the Banks Pumping Plant revert back to the Tracy Pumping Plant as allowed under the permits prior to the date of this order.
3. The maximum combined rate of diversion and rediversion under these permits from both the Banks Pumping Plant and the Tracy Pumping Plant shall not exceed 4,600 cubic feet per second.
4. Permittee shall report to the State Water Resources Control Board by April 15, 1984 the maximum rate of diversion and total acre-feet diverted at Banks Pumping Plant and the maximum combined rate of diversion from Tracy Pumping Plant and Banks Pumping Plant under this temporary change.
5. This temporary urgency change will be presented to the Board for review at its next regular meeting. Should the Board fail or refuse to validate the temporary change, it shall stand revoked as of the date of said Board meeting and shall be of no further force and effect.
6. This temporary change is issued and permittee takes it subject to the California Water Code, Division 2, Chapter 6.6, Section 1435 et seq. This temporary change order shall not result in creation of a vested right, even of a temporary nature, but shall be subject at all times to modification or revocation at the discretion of the Board.
7. The Board shall supervise the use of water under the temporary change order for the protection of vested rights and instream beneficial uses and for compliance with change order conditions.
8. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this temporary change order, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this temporary change order with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source.

9. Except as expressly provided herein, all terms and conditions of these permits shall remain in effect.

Raymond Walsh

Raymond Walsh, Chief
Division of Water Rights
State Water Resources Control Board

OCTOBER 31 1983

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 21542PERMIT 15149

LICENSE _____

ORDER ALLOWING CORRECTION OF DESCRIPTION OF
POINTS OF REDIVERSION AND CHANGE IN PLACE OF USE

WHEREAS the State Water Rights Board has found that the correction of description of points of rediversion and change in place of use under Application 21542, Permit 15149, for which petitions were submitted on April 6, 1967, will not operate to the injury of any other legal user of water, and

WHEREAS the Board has approved and allowed said correction and change and has directed that an order be issued to describe said points of rediversion and place of use in accordance with said petitions;

NOW THEREFORE IT IS ORDERED that permission be and the same is hereby granted to correct the description of points of rediversion under said Application 21542, Permit 15149, so that the description of point of diversion and points of rediversion reads as follows, to wit:

POINT OF DIVERSION -

DELTA MENDOTA CANAL INTAKE - SOUTH $76^{\circ}39'$ EAST 2,674.53 FEET FROM $W\frac{1}{4}$ CORNER OF SECTION 29, T1S, R4E, MDB&M, BEING WITHIN $NE\frac{1}{4}$ OF $SW\frac{1}{4}$ OF SAID SECTION 29.

POINTS OF REDIVERSION -

SAN LUIS FOREBAY DAM - NORTH $49^{\circ}41'$ WEST, 4,420 FEET FROM SE CORNER OF SECTION 1, T1OS, R8E, MDB&M, BEING WITHIN $SE\frac{1}{4}$ OF $NW\frac{1}{4}$ OF SAID SECTION 1.

SAN LUIS DAM - SOUTH $57^{\circ}31'$ WEST, 7,920 FEET FROM SW CORNER OF SECTION 12, T1OS, R8E, MDB&M, BEING WITHIN $SW\frac{1}{4}$ OF $SE\frac{1}{4}$ OF PROJECTED SECTION 15, T1OS, R8E, MDB&M, and

IT IS FURTHER ORDERED that permission be and the same is hereby granted to change the place of use under said Application 21542, Permit 15149, to a place of use described as follows, to wit:

STATE WATER RIGHTS BOARD

ORDER

APPLICATION 21542PERMIT 15149

LICENSE _____

SAN LUIS PUMPING - GENERATING PLANT WITHIN NW $\frac{1}{4}$ OF NE $\frac{1}{4}$ OF PROJECTED SECTION 15, T10S, R8E, MDB&M.

SAN LUIS FOREBAY PUMPING - GENERATING PLANT WITHIN NE $\frac{1}{4}$ OF NW $\frac{1}{4}$ OF SECTION 1, T10S, R8E, MDB&M. WHEN FOREBAY WATER IS GRAVITATED TO THE DELTA MENDOTA CANAL, THE PLANT IS CAPABLE OF GENERATING ELECTRICAL ENERGY, ALTHOUGH IT IS EXPECTED TO NORMALLY BE USED AS AN ENERGY DISSIPATOR.

Dated: MAY 1 5 1967

L. K. Hill
L. K. Hill
Executive Officer

STATE OF CALIFORNIA—RESOURCES AGENCY
STATE WATER RIGHTS BOARD

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT NO. 15149

Application 21542 of U. S. Bureau of Reclamation OVER
c/o Mr. Robert J. Pafford, Jr., Regional Director, Region 2, P. O. Box 15011
Sacramento, California 95813
filed on November 15, 19 63, has been approved by the State Water Rights Board
SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Name of source(s):

Tributary to:

- | | |
|----------------------|------------------------------|
| (a) <u>Old River</u> | (a) <u>San Joaquin River</u> |
| (b) _____ | (b) _____ |
| (c) _____ | (c) _____ |
| (d) _____ | (d) _____ |
| (e) _____ | (e) _____ |

2. Location of point(s) of diversion:

Bearing and distance or coordinate distances from section corner or quarter-section corner	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Delta Mendota Canal intake					
(a) S76°39'23"E, 2674.53' from W $\frac{1}{4}$ corner of Section 29	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	29	1S	4E	MDB&M
(b) _____	$\frac{1}{4}$ of $\frac{1}{4}$				
Rediversion - San Luis Forebay					
(c) N48°30'E 3300' from SW corner of Section 1	NE $\frac{1}{4}$ of SW $\frac{1}{4}$	1	10S	8E	MDB&M
(d) _____	$\frac{1}{4}$ of $\frac{1}{4}$				
Rediversion - San Luis Dam					
(e) N 900' W 1340' from SE corner of project- ed Section 15	SW $\frac{1}{4}$ of SE $\frac{1}{4}$	15	10S	8E	MDB&M

County of Alameda

3. Place of use: The San Luis Pumping - Generating Plant is located in NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of projected Section 15, T10S, R8E, MDB&M. Amended by order of 5-15-67

4. Purpose(s) of use: Power

From Old River for power purposes

5. The water appropriated/shall be limited to the quantity which can be beneficially used, and shall not exceed 1,000,000 acre-feet per annum by storage to be diverted from about November 1 of each year to about April 30 of the succeeding year.

The maximum rate of diversion to off-stream storage shall be 4200 cubic feet per second.

6. The maximum rate of diversion through the Delta-Mendota Canal under this permit, together with other rights of permittee, shall not exceed 4600 cubic feet per second. (0000005)
7. The maximum quantity herein stated may be reduced in the license if investigation warrants it. (0000006)
8. Said construction work shall be completed on or before December 1, 1985. (0000008)
9. Complete application of the water to the proposed use shall be made on or before December 1, 1990. (0000009)

10. Progress reports shall be filed promptly by permittee on forms which will be provided annually by the State Water Rights Board until license is issued. (0000010)
11. All rights and privileges under this permit including method of diversion, method of use and quantity of water diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water. (0000012)

12. This permit shall be subject to rights initiated by applications for use within the Sacramento-San Joaquin Delta and the watershed of the Sacramento River Basin, as said Delta and watershed are defined in Decision D 1020, regardless of the date of filing said applications. (00000300)

13. The State Water Rights Board reserves continuing jurisdiction of this permit until further order of the Board, for the purpose of formulating terms and conditions relating to salinity control in the Sacramento-San Joaquin Delta. Permittee shall, on or before January 1, 1967, and each six months thereafter, submit to the Board a written report as to the progress of negotiations relative to agreement between the permittee and the State of California and/or the permittee and the water users in the Delta and in northern Contra Costa County. (0000000)

14. The Board reserves continuing jurisdiction of this permit for an indefinite period not to extend beyond the date of issuance of license for the purpose of coordinating terms and conditions of the permit with the terms and conditions of other applications of the United States in furtherance of the Central Valley Project and applications of the State of California in furtherance of the State Water Resources Development System. (0000000)

15. Upon request of the Board, permittee shall make such measurements and maintain and furnish to the Board such records and information as may be necessary to determine compliance with the terms and conditions of this order, including the recognition of vested rights, and for the further purpose of determining the quantities of water placed to beneficial use under this permit. (0100300)

16. This permit shall be subject to "Agreement between the United States of America and the Department of Water Resources of the State of California for the Construction and Operation of the Joint-Use Facilities of the San Luis Unit," dated December 30, 1961, filed of record as Bureau of Reclamation Exhibit 6 in the hearing of Application 15764. (0000300)

17. This permit shall be subject to "Agreement between the United States of America and the Department of Water Resources of the State of California for the Coordinated Operation of the Federal Central Valley Project and the State Feather River and Delta Diversion Projects," dated May 16, 1960, filed of record as Bureau of Reclamation Exhibit 3 in the hearing on Application 15764. (0000300)

18. In accordance with Water Code Section 1393, permittee shall clear the site of the proposed reservoir of all structures, trees, and vegetation which would interfere with the use of the reservoir for water storage and recreation purposes. (0120050)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: AUG 12 1966

STATE WATER RIGHTS BOARD

L. K. Hill
X. K. Hill

Executive Officer

2-1-80 Name chgd To U.S. Water + power Res. Service